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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,327	04/14/2004	Satoru Tsukihara	9281-4801	5406
757 7590 10/18/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER RICE, ELISA M	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/824,327

Applicant(s)

TSUKIHARA, SATORU

Examiner

Elisa M. Rice

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3, and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments received on July 27, 2007 with respect to claims 1, 3 and 5 have been considered but are moot in view of the new ground(s) of rejection. Claims 1, 3, and 5 are pending.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilman et. al. (US 6,208,770 B1) and Hirai (US 6,943,834) and Hunter (US 6,914,698 B1).

**Regarding claim 1**, Gilman discloses an apparatus able to process data, the apparatus comprising:

a compression unit that compresses("image processing functions can also be performed, such as image sharpening and compression.", Gilman, column 4, line 33) image data representing images having a wide shaped or a long shaped image into

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thumbnail image data for display and printing of thumbnail images (Gilman, Figure 5; "A 'preview picture screen' 300 (shown in FIG. 5) is displayed on the display screen 52 showing a two-dimensional array of thumbnail images 302 obtained from the compact disc 19. The thumbnail images 302 preferably have a lower resolution than the full size images stored on computer disc 18", Gilman, column 5, line 20);

a memory that stores the thumbnail image data ("By storing both the printing enabling software and the color adjusted digital image on the same medium, such as a magnetic disc, optical disc, or a flash memory card, users can conveniently make colored prints which are aesthetically pleasing", column 2, line 56);

Gilman discloses a control unit that permits display of thumbnail image data for displaying a thumbnail image of a first image having a long shaped image and a second image having a wide shaped image (Gilman, Fig. 5)

Gilman does not disclose:

- 1) a control unit that permits display of thumbnail image data for displaying a thumbnail image of a first image having a long shaped image and displays the first image as a thumbnail image having a non-display portion and having the same visible angle as a thumbnail image corresponding to a second image having wide shaped image
- 2) a control unit that permits printing of thumbnail image data of the first image without the non-display portion and having a visible angle different by 90° from that of the thumbnail image of the second image

Hirai discloses a control unit that permits display of thumbnail image data for displaying a thumbnail image of a first image having a long shaped image and displays the first image as a thumbnail image having a non-display portion and having the same visible angle as a thumbnail image corresponding to a second image having wide shaped image (Hirai, Figure 29).

It would have been obvious to one of ordinary skill in the art to modify Gilman's thumbnail display of different shaped images to a uniform display where the long-shaped images are converted to wide-shaped images as shown in the Hirai reference, so that the image can be viewed by a person on a display screen at an easy-to-see orientation.

The combination of Gilman and Hirai does not teach printing of thumbnail image data of the first image without the non-display portion and having a visible angle different by 90° from that of the thumbnail image of the second image (i.e. the image in its original state).

Hunter teaches a control unit that permits printing of thumbnail image data of the first image without the non-display portion and having a visible angle different by 90° from that of the thumbnail image of the second image (Hunter, Fig. 8). The image data for displaying is associated with the image data for printing in that they are both held in the memory.

It would have been obvious to one of ordinary skill in the art to modify the combination of the invention of Gilman and Hirai to print the image in its original state without the non-display portion and having a visible angle different by 90 degrees from

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that of the thumbnail image of the second image as taught by Hunter in order to avoid unappealing borders, which while useful during the previewing phase, no longer serve a purpose when printed and in fact, where an original uninscribed image is desirable.

**Regarding claim 3**, the invention of the combination of Gilman, Hirai, and Hunter discloses the method performed by the apparatus as rejected in claim 1.

**Regarding claim 5**, the combination of Gilman, Hirai, and Gilman disclose the method of claim 3, wherein the first and second shaped images correspond to a wide shaped image and a long shaped image, respectively, (Gilman, Fig. 5) wide shaped thumbnail images are formed by compressing the wide shaped images, and long shaped thumbnail images are formed by compressing the long shaped images (Gilman, Fig. 5, "The thumbnail images 302 preferably have a lower resolution than the full size images stored on computer disc 18.", Gilman, column 5, line 23), long shaped thumbnail image data for displaying correspond to long shaped images having the same visible angle as the wide shaped thumbnail images (Gilman, Fig. 5, "The thumbnail images 302 preferably have a lower resolution than the full size images stored on computer disc 18", Gilman, column 5, line 23), and long shaped thumbnail image data for printing correspond to long shaped thumbnail images having a visible angle 90° different from that of the wide thumbnail image (Hirai, Fig. 29).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elisa M. Rice whose telephone number is (571)270-1580. The examiner can normally be reached on 8:00a.m.-5:30p.m. EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571)272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BRIAN WERNER  
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